

Juror Appreciation Month Postscript

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The Michigan Supreme Court designated May 2005 as *Juror Appreciation Month*. The designation was made to remind us that jury service is integral to a free and democratic society and to pay tribute to those who have been called upon to perform their civic and constitutional duty.

The designation was also made to raise awareness of several proposed court rule changes that are intended to improve the jury experience. Several of the proposed court rule changes have been published and are available for review and public comment.

The proposed court rules will be referenced later in this article, but first I want to provide you with information related to jury service in the Circuit and Probate courts in Oakland County. (NOTE: The Circuit Court Jury Office summonses jurors for both the Circuit and Probate courts). The information will give you a sense of the volume of jurors who serve, the corresponding financial impact, and some particulars about jury service in Oakland County.

Last year, 74,314 jurors were summoned for service. With each summons is a questionnaire that the prospective juror is required to complete and return to the court. Included with the summons and questionnaire is a date of service. The prospective juror must call an automated voice-response phone number the evening before his or her scheduled date of service to learn whether he or she will be required to report for service the next day.

We employ a one-day term of service, meaning that a juror will spend no more than one day in service unless seated on a jury. Jurors are summoned five weeks in advance of their appearance date. Those who are summoned are exempt from being called for jury service again for a period of one year. The one-year exemption relates to circuit, probate and district court jury service but does not apply to federal court.

Of those summoned, 21,311 reported for jury service, which equates to about 110 jurors reporting each day on average. About 23 percent of those who reported – 4,948 jurors – were ultimately seated.

The Circuit and Probate courts conducted 129 civil jury trials in 2004 with an average trial length of 2.8 days. Exactly 300 criminal trials were conducted last year with an average trial length of 2.5 days. The time devoted to jury selection is included in the trial length averages shown above.

In fiscal year 2004, which began on October 1, 2003, and concluded on September 30, 2004, the amount paid to jurors in the form of statutory per diems and reimbursement for

travel expenses to and from court was \$859,079. Statutory minimum per diems for jury service were raised effective October 1,

2003. The current rates are \$25 for the first day of service and \$40 for the second and subsequent days of service. Rates equal to one-half of the statutory daily rates may be paid for service equal to or less than a half day.

At the outset of this article, mention was made of possible reforms designed to improve the jury experience. In a recent *Detroit Free Press* article written by the Honorable Clifford W. Taylor, Chief Justice of the Michigan Supreme Court, several reforms were mentioned. One reform would allow jurors to take their notes into the jury room during final deliberations. Another reform would allow jurors to have recordings for transcripts of testimony while deliberating after completion of the trial.

Other reforms included allowing jurors to ask questions, through the trial judge, of witnesses; allowing jurors to ask questions about final jury instructions; allowing jurors to discuss the case at certain times prior to final deliberations; and providing jurors, in the form of a reference document, with such information as trial exhibits, pretrial jury instructions, and applicable statutory cites.

Chief Justice Taylor's article was entitled *Smooth out Jury Duty with Reforms*. It appeared on May 2 and may be found in the archived news stories at www.freep.com. Please note that several of the reforms are being considered by the Supreme Court as discussion topics only. Others have been previously published for review and public comment. Those that have been published may be found as proposed amendments to Michigan Court Rule 6.414 at www.courts.michigan.gov/supremecourt/resources/administrative/2003-04-2-3-04.pdf.

Jury service is often characterized as a responsibility of citizenship. There is no doubt that such a characterization is accurate, but jury duty is also a privilege – a distinguishing feature of a free society. The service of each juror is integral to the administration of justice. We appreciate the attention given to *Juror Appreciation Month* and trust that each juror's service in this court will be a meaningful experience and a reminder that the responsibility and privilege of jury duty must never be taken for granted.

Until next month...

